

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RICKY ELLIS, on behalf of himself and)	
all others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 23-1353-JLH
)	
ALPHA METALLURGICAL)	
RESOURCES, INC.,)	
)	
and)	
)	
MARFORK COAL COMPANY, LLC,)	
)	
and)	
)	
SPARTAN MINING, LLC,)	
)	
Defendants.)	

**STIPULATION AND [PROPOSED] ORDER
REGARDING MOTION DEADLINES**

WHEREAS, on January 24, 2024, the Court ordered the parties to confer and submit a joint proposed order that establishes the motion deadlines in this action;

IT IS HEREBY STIPULATED AND AGREED by the undersigned parties, subject to the approval of the Court, that:

1. Defendant Alpha Metallurgical Resources, Inc. (“Defendant”) shall file any motion to transfer venue, including opening brief and accompanying affidavit(s), on or before February 5, 2024;
2. Plaintiff’s answering brief and accompanying affidavit(s) shall be filed no later than fourteen (14) days after the filing of the opening brief;
3. Defendant’s reply brief and accompanying affidavit(s) shall be filed no later than seven (7) days after the filing of the answering brief; and

4. If the Court denies Defendant's motion, Plaintiff will file his motion to conditionally certify a collective action within thirty (30) days of the Court's decision denying Defendant's motion.

Respectfully submitted,

**LAW OFFICE OF
DANIEL C. HERR LLC**

/s/ Daniel C. Herr

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*Attorneys for Defendant
Alpha Metallurgical Resources, Inc.*

Dated: January 26, 2024

SO ORDERED this _____ day of _____, 2024.

THE HONORABLE JENNIFER L. HALL